

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff

VS.

CHRISTOPHER WAYNE MITCHELL

Defendant.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

CRIMINAL ACTION 1:22-00111-KD-MU

Order

This matter is before the Court on Defendant Mitchell's Motion to Dismiss (Doc. 26) and the Government's Response (Doc. 37).

As explained in the United States brief and adopted as the Court’s reasoning (Doc. 37, pp. 3-12), by reaffirming and adhering to its reasoning in D.C. v. Heller, 554 U.S. 570, 128 S. Ct. 2783, 171 L. Ed. 2d 637 (2008) and McDonald v. City of Chicago, Ill., 561 U.S. 742, 130 S. Ct. 3020, 177 L. Ed. 2d 894 (2010) the Supreme Court in New York State Rifle & Pistol Ass’n, Inc. v. Bruen, 213 L. Ed. 2d 387, 142 S. Ct. 2111 (2022) did not change the regulatory framework that prohibits felons from possessing firearms. Moreover, the Eleventh Circuit has previously rejected a Second Amendment challenge to 922(g)(1) in United States v. Rozier, 598 F.3d 768 (11th Cir. 2010). Accordingly, Mitchell’s Motion to Dismiss (Doc. 26) is **DENIED**.

DONE and **ORDERED** this the 17th day of **November 2022**.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE